



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY-DOCKET NO.
08/683,240	07/18/96	KIM	

26M1/0825

FRANK CHAU
DILWORTH & BARRESE
333 EARLE OVINGTON BOULEVARD
UNIONDALE NY 11553

FERGUSON
EXAMINER

ART UNIT

PAPER NUMBER

08/25/97

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/683,240Applicant(s)
Kim et al.Examiner
Keith FergusonGroup Art Unit
2608**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Aug 11, 1997 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☒ will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Newly proposed limitations to claim 3 (i.e. and having a trough portion between said projection) raises new issues requiring further consideration and/or search by the examiner.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

Please see attachment

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-13

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☒ Other *PTO Form 892*

Art Unit: 2608

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/11/97 have been fully considered but they are not persuasive.

2. Argument: Applicant alleges that its original disclosure of Fig. 5 clearly shows reception guide rail as having an elongated length.

Explanation: Examiner respectfully disagrees because an elongated guide rail was not explicit explained in the original disclosure. If there is a elongated guide rail in the invention it should be explained that way in the disclosure. Fig. 5 only teaches a hole or an oval and not explicit explained in the disclosure. "310 teaches a portable telephone comprising an upper case (body) aligned with holes or ovals (elongated reception guide rails) and a cover mounting projection (projection bar) (Fig. 3 numbers 2a, 20 and 18). The phrase "an elongated reception rail" is still rejected under 35 U.S.C. 112, first paragraph.

3. Argument: Applicant alleges that "310 does not disclose or suggest the projection bar of the telephone body in contact with the wave projection of the cylinder bush to directly apply the restoring force of the spring to the cylinder bush and a trough portion in shaft 24 that is also in potential contact with spring 26.

Art Unit: 2608

Explanation: Examiner respectfully disagrees because “310 teaches a trough portion of the pipe shaft is assembled to contact the cover mounting projection (Fig. 9 and column 5 lines 1-40), the pipe shaft includes a wave cam (wave projection) (Figs. 7 and 9 number 40), the cover mounting projection (projection bar) of the upper case is in contact with the wave cam to apply biasing force (restoring force) on the spring to the pipe shaft (Fig. 7 number 38 and column 5 lines 4-16), the biasing force is generated by a change in a moving distance of the spring according to the phase of the pipe shaft which causes a moment for rotation the cover, for facilitating opening and closing the cover (Fig. 8 and 9 and column 5 lines 30-50).

5. Argument: Applicant alleges that “310 does not disclose or suggest a button cover holding mechanism of a portable telephone formed by a process including the steps of inserting a cylinder ring into an elongated reception guide rail of the body, as claimed in claimed 8.

Explanation: Examiner respectfully disagrees because claim 8 still reads on “310 and the phrase “an elongated reception rail” is rejected under 35 U.S.C. 112, first paragraph.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Domoleczny (U.S. Patent 5,629, 979) discloses a hinge apparatus having a self latching hinge shaft for foldable radiotelephones. Domoleczny discloses an aperture (an elongated

Art Unit: 2608

guide rail) (Fig. 2 number 228). Takagi et al. (U.S. Patent 5,636,275) discloses a hinge mechanism and foldable portable telephone having the hinge mechanism.

7. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5403, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Art Unit: 2608

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

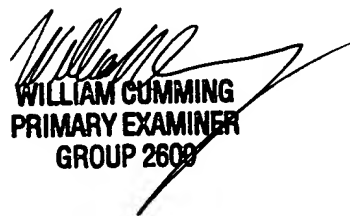
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Keith Ferguson whose telephone number is (703)305-4888.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Keith Ferguson, Examiner *KF*

Art Unit 2608

August 19, 1997


WILLIAM CUMMING
PRIMARY EXAMINER
GROUP 2608